

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00116

LARRY JAMES WHITSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On May 3, 2012, the United States of America appeared by Monica L. Dillon, Assistant United States Attorney, and the defendant, Larry James Whitson, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Joseph Black, the defendant having commenced a five-year term of supervised release in this action on December 2, 2011, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on February 4, 2008.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant failed to follow the instructions of the probation officer inasmuch as he was directed on December 23, 2011, to report to the probation department on January 4, 2012, and he failed to report on that date or any date thereafter; and (2) that the defendant failed to notify the probation officer of his change in residence inasmuch as he was residing at the Roark Sullivan Lifeway Center and was discharged from the facility on January 4, 2012, at which time he did not notify the probation officer or anytime thereafter rendering his whereabouts unknown, the defendant having travelled to Florida to live with his brother where he remained until his arrest there on March 19, 2012; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

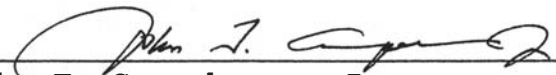
After hearing the parties' arguments regarding the appropriateness of revocation, the court, after taking into consideration the factors set forth in 18 U.S.C. § 3553(a), ORDERED that the defendant's supervised release be, and it

hereby is, modified by adding the condition that the defendant spend a period of three (3) months in a community confinement center, preferably Dismas Charities, Inc., and follow the rules and regulations of the facility. The defendant shall remain in custody until bed space is available at which time he will be released directly to the community confinement center.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 3, 2012



John T. Copenhaver, Jr.
United States District Judge